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09/765,823	01/19/2001	Animesh Mishra	42390P10482	9868

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 05/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,823

Applicant(s)

MISHRA ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

EXAMINER'S RESPONSE

1. In response to the application filed **1-19-01**, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 6-7, 9, 11-21, 27-30 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertel (US 5532690).

Art Unit: 2635

Regarding claim 1, Hertel discloses an apparatus comprising: a functional unit (40); a location determination device (14); a local policy enforcement device (30, 16) coupled to the location determination device and the functional unit; and a communication interface coupled (36) to the local policy enforcement device. See fig. 1 and col. 3 line 30 - col. 4 line 50.

Regarding claim 2, the apparatus of Hertel applied above to claim 1 includes the location determination device 14 comprising a position detection device 14 in the form of GPS receiver 14 in col. 3 lines 33-40

Regarding claim 3, the apparatus of Hertel applied above to claim 2 includes the position determination device 14 comprising a global positioning system receiver in the form of GPS receiver 14 in col. 3 lines 33-40.

Regarding claim 6, the apparatus of Hertel applied above to claim 1 further comprises a user authenticator coupled to the local policy enforcement device. See col. 5 lines 55-60 and col. 4 line 10.

Regarding claim 7, the apparatus of Hertel applied above to claim 6 includes the user authenticator comprising a password device in col. 5 lines 55-60.

Regarding claim 9, the apparatus of Hertel applied above to claim 6 includes the location determination device comprising a global positioning system receiver discussed above in re claim 3.

Regarding claim 11, the apparatus of Hertel applied above to claim 1 includes the local policy enforcement device comprising means for determining whether the

apparatus is within a distance from a location such as a radius in col. 4 line 66 - col. 5 line 1.

Regarding claim 12, the apparatus of Hertel applied above to claim 11 includes the distance is a predetermined distance such as 10 meters in col. 4 lines 66-67.

Regarding claim 13, the apparatus of claim Hertel applied above to 11 includes the location is a predetermined location such as permitted surface coordinates stored in database in col. 4 lines 19-23.

Regarding claim 14, the apparatus of Hertel applied above to claim 11 includes the location is a previously-determined location of the apparatus such as the stored coordinates or radius discussed above.

Regarding claim 15, the apparatus of Hertel applied above to claim 14 includes the distance is a predetermined distance as applied above to claim 12.

Regarding claim 16, the apparatus of Hertel applied above to claim 1 includes the local policy enforcement device comprising means for dynamically adapting a local policy in response to previous location determinations and previous applications of the local policy in the learning mode of col. 3 lines 63-65.

Regarding claim 17, ~~the~~ the apparatus of claim Hertel applied above to 1 includes the local policy enforcement device comprising means for determining, in response to a determination by the location determination device that the apparatus has been moved to a new location, whether the new location complies with a local policy comparison of current coordinates to permitted coordinates in col. 4 lines 19-23.

Regarding claim 18, the apparatus of claim Hertel applied above to 17 includes the local policy is whether the new location is a pre-approved location such as permitted surface coordinates stored in database as noted above.

Regarding claim 19, the apparatus of Hertel applied above to claim 17 includes the local policy is whether the new location is within a distance from a prior location of the apparatus such as the radius discussed above.

Regarding claim 20, the apparatus of Hertel applied above to claim 19 includes the distance is a predetermined distance as applied above to claim 12.

Regarding claim 21, Hertel discloses a method of operating an apparatus, the method comprising: determining a location of the apparatus (step 42); checking whether the location complies with a local policy determined by the apparatus (step 48); if the location complies with the local policy, enabling operation of the apparatus ; and if the location does not comply with the local policy, disabling operation of the apparatus (step 54). See fig. 2 and col. 5.

Regarding claim 27, the method of claim 21 wherein the local policy is whether the location of the apparatus is within a predetermined area is anticipated by the radius applied above or the region 60 in fig. 3 and col. 5 of Hertel.

Regarding claim 28, the method of claim 21 wherein the local policy is whether the location of the apparatus is less than a predetermined distance from a prior location is anticipated for the same reasons applied to claim 19.

Regarding claim 29, ~~the~~ the method of claim 21 wherein the local policy is whether the location of the apparatus is a pre-approved location anticipated for the same reasons applied to claim 18.

Regarding claim 30, the method of claim 21 further comprising: dynamically adjusting the local policy is anticipated for the same reason applied to claim 16.

Regarding claim 61, Hertel discloses an apparatus which includes a functional unit 40, an improvement comprising: means for disabling the functional unit 34; means for identifying a location of the apparatus 14; means for checking the location against a local policy (16,30), and for causing the means for disabling to enable the functional unit if the location complies with the local policy and for causing the means for disabling to disable the functional unit if the location does not comply with the local policy. See figs. 1-2 and col. 4.

6. Claim 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel (US 5532690) as applied above in combination with Mansell (US 5223844).

Hertel discloses the apparatus with position determining device of claim 2 and 6, but lacks the position determination device comprising an accelerometer of claim 4, 10 and 46. Hertel lacks the location detection device comprising a motion detection device of claim 5.

Mansell discloses an analogous art vehicle tracking and security system with position determining that comprises an accelerometer 393 in col. 0 line 54 - col. 10 line 18 with advantages such as economical, miniaturized, greater overall location and

Art Unit: 2635

direction information. A motion sensor 372 is included in col. 11 lines 15-22 to detect possible theft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel the position determination device comprising an accelerometer of claims 4 and 10 as disclosed in Mansell for the advantages stated above. It further would have been obvious to have included the location detection device comprising a motion detection device as disclosed in Mansell to detect possible theft.

7. Claims 8, 22-26, 31-45, 47-60 and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel (US 5532690) as applied above in combination with Johnson (US 5557254).

Hertel discloses the apparatus of claim 6, but includes authenticator comprising password input rather than a biometric input device of claim 8.

Johnson discloses biometric input such as voice or camera as alternative to entering a code on a keypad. See col. 6 lines 14-38.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel the biometric input device of claim 8 as disclosed in Johnson to be an alternative to password input.

Hertel discloses the method of claim 21 as applied above, but does not further comprise, if the location does not comply with the local policy: performing an authentication of a user of the apparatus; if the user is authenticated, enabling operation of the apparatus; and if the user is not authenticated, disabling operation of the

apparatus in claim 22. Johnson discloses these further features of claim 22 by including GPS triggered alarm in col. 18 lines 16-17 and responding to an alarm to require authentication in col. 13 line 50 - col. 14 line 14 and fig. 7. Lack of authentication results in sending commands such as disabling the vehicle in col. 5 lines 22-66. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Hertel these further features of claim 22 because Johnson discloses the features as noted above because this prevents theft and carjacking and is suggested by the authorization to override the system in col. 5 lines 52-56 of Hertel.

Regarding claim 23, the method of claim 22 further comprising communicating to an external agent would have been obvious in view of the both Hertel and Johnson communicating location to an external agent. See step 56 in Hertel and step 715 in Johnson. This provides the advantage indicating the vehicle location to the police or other agency.

Regarding claim 24, the method of claim 23 wherein the communicating comprises providing an indication of the location of the apparatus would have been obvious for the reasons applied above to claim 23.

Regarding claim 25, the method of claim 24 wherein the communicating further comprises providing data gathered during the authentication of the user would have been obvious in view of fig 7 step 719 and col. 13 line 62 - col. 14 line 14 of Johnson disclosing sending authentication information to the central monitoring station in order to prevent theft or carjacking.

Regarding claim 26, the method of claim 25 wherein the data comprises biometric input data would have been obvious in view of fig 7 step 719 and col. 13 line 62 - col. 14 line 14 of Johnson disclosing biometric information such as voice or image in order to prevent theft or carjacking.

Regarding claim 31, Hertel discloses a method of operating an apparatus, the method comprising: (A) performing authentication of an attempted user of the apparatus; (B) if the user is determined to be not authorized to use the apparatus, (B.1) disabling the apparatus; and (C) if the user is determined to be authorized to use the apparatus, (C.1) determining a location of the apparatus, (C.2) checking whether the location complies with a local policy administered by the apparatus, (C.3) if the location complies with the local policy, (C.3.a) enabling the apparatus, and (C.4) if the location does not comply with the local policy, (C.4.a) inquiring of an external agent whether the location complies with a remote policy administered by the external agent, (C.4.b) if the location complies with the remote policy, (C.4.b.1) enabling the apparatus, and (C.4.c) if the location does not comply with the remote policy, (C.4.c.1) disabling the apparatus, except for the inquiring from an external agent. The differences would have been obvious in view of Johnson for the same reasons applied above to claims 22-26 and further in view of col. 11 lines 59-65 of Johnson including remote position information policy at in database 607 of the central monitoring station. Hertel discloses disabling the system in response to password authorization in col. 5 lines 55-56, and if this does not clearly dis/enable the apparatus, then such would have been obvious in view of Johnson disclosing authorization to prevent carjacking or theft as discussed above.

Regarding claim 32, the method of claim 31 further comprising: (B.2) the remote agent providing an electronic notification to a law enforcement device; and (C.4.c.2) the remote agent providing an electronic notification to the law enforcement device; wherein the notifications to the law enforcement device include providing data identifying the location of the apparatus would have been obvious in view of fig. 7 step 725 and col. 14 lines 8-14 of Johnson calling law enforcement officials to inform them about the crime in progress and the location of the vehicle to prevent carjacking and is suggested by transmitting location to police in col. 5 lines 65-67 of Hertel..

Regarding claim 33, the method of claim 32 wherein the notifications to the law enforcement device further include providing data gathered during the authentication of the user would have been obvious in view of informing law enforcement about the crime in progress in fig. 7 step 725 and col. 14 lines 8-14 of Johnson to prevent carjacking.

Regarding claim 34, the method of claim 33 wherein the data comprises biometric input data would have been obvious for the same reason applied above to claim 8.

Regarding claim 35, the method of claim 31 further comprising: (C.4.b.2) the remote agent registering the location of the apparatus would have been obvious in view of the positioning in col. col. 12 lines 51-54 of Johnson to track the vehicle.

Regarding claim 36, the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with a policy selected from the group comprising: the location of the apparatus is within a predetermined area; the

location of the apparatus is less than a predetermined distance from a prior location; and the location of the apparatus is a pre-approved location is disclosed by Hertel for the reasons applied above to claims 27-29.

Regarding claim 37, the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with a distance-based policy is disclosed by Hertel for the reasons applied above to claim 11.

Regarding claim 38, the method of claim 31 wherein the local policy comprises determining whether the location is in compliance with an area-based policy is disclosed by Hertel for the reasons applied above to claim 27.

Regarding claim 39, the method of claim 31 wherein the remote policy comprises determining whether the location is in compliance with a policy selected from the group comprising: the location of the apparatus is within a predetermined area; the location of the apparatus is less than a predetermined distance from a prior location; the location has been pre-approved by a registered owner of the apparatus; the location is an authorized repair facility for the apparatus; all locations have been pre-approved until a first registration at a first location; total motion of the apparatus since a predetermined time is less than a predetermined cumulative distance; the apparatus has been moved fewer times than a predetermined number; and the apparatus is within a non-export-controlled country would have been obvious in view of the policy of Hertel as applied above and the policy of Johnson including, for example, special instructions regarding leaving airport parking lot in col. 11 lines 59-65.

Art Unit: 2635

Regarding claim 40, the method of claim 31 further comprising at least one of: dynamically adjusting the local policy; and dynamically adjusting the remote policy is disclosed by Hertel for the same reasons applied to claim 16.

Regarding claim 41, Hertel discloses a system comprising: a communication link 36 an appliance including, a functional unit 40; means for dis/enabling the functional unit 34; a location determination device 14; a local policy enforcement device (16,30) coupled to the communication link, to the means for dis/enabling, and to the location determination device; and a remote agent device (central monitoring station in col. 5 line 66), including, a registry adapted to store information regarding the apparatus; but lacks remote policy enforcement device coupled to the communication link and to the registry. The differences would have been obvious for the same reasons applied above to claim 31.

Regarding claim 42, the system of claim 41 wherein the information includes location information would have been obvious for the reasons applied above to claim 35.

Regarding claim 43, the system of claim 42 wherein the appliance further includes a user authentication device coupled to the local policy enforcement device would have been obvious to the reasons applied above to claims 6 and 31.

Regarding claim 44, the system of claim 43 wherein the information further includes user identification information would have been obvious in view of the identifying information in col. 11 lines 38-65 of Johnson for preventing carjacking.

Regarding claim 45, the system of claim 41 wherein the location determination device comprises a global positioning system receiver would have been obvious for the same reasons applied above to claim 9. Also, Johnson includes a GPS receiver 419/219.

Regarding claim 47, the system of claim 41 wherein the local policy enforcement device comprises means for determining whether the appliance is in a location, determined by the location determination device, which location complies with a policy selected from the group comprising: the location of the appliance is within a predetermined area; the location of the appliance is less than a predetermined distance from a prior location; and the location of the appliance is a pre-approved location would have been obvious for the reasons applied above to claims 27-29.

Regarding claim 48, the system of claim 47 wherein the remote policy enforcement device comprises means for determining whether the location complies with a policy selected from the group comprising: the location of the appliance is within a predetermined area; the location of the appliance is less than a predetermined distance from a prior location; the location has been pre-approved by a registered owner of the appliance; the location is an authorized repair facility for the appliance; all locations have been pre-approved until a first registration at a first location; total motion of the appliance since a predetermined time is less than a predetermined cumulative distance; the appliance has been moved fewer times than a predetermined number; and the

Art Unit: 2635

appliance is within a permitted country would have been obvious for the reasons applied above to claim 39.

Regarding claim 49, ~~the~~ the system of claim 41 further comprising: means for dynamically adjusting a local policy of the local policy enforcement device would have been obvious for the reasons applied above to claim 40.

Regarding claim 50, ~~the~~ the system of claim 41 further comprising: means for dynamically adjusting a remote policy of the remote policy enforcement device would have been obvious because the special instructions in col. 11 lines 59-65 of Johnson implies owner or user input which is dynamic. Further, it would have been obvious to have input this in a leaning mode as a convenient manner of data entry disclosed in col. 3 lines 59-67 Hertel as an alternative to keyboard entry.

Regarding claim 51, a method comprising: an apparatus determining its location ; the apparatus determining whether the location complies with a local policy; the location complies with the local policy, enabling the apparatus; if the location does not comply with the local policy, a remote device determining whether the location complies with a remote policy; if the location complies with the remote policy, enabling the apparatus, if the location does not comply with the remote policy, disabling the apparatus would have been obvious for the same reasons applied above to claim 31.

Regarding claim 52, the method of claim 51 further comprising, if the location does not comply with the remote policy: performing authentication of a user of the apparatus; and if the user is authenticated, enabling the apparatus would have been

Art Unit: 2635

obvious for the reasons applied above to claims 22 and 31. Violation of the special instruction "should not leave airport parking lot" suggests a alarm condition that requires authorization.

Regarding claim 53, the method of claim 52 further comprising, if the location complies with the remote policy: the remote device registering information provided from the apparatus to the remote device would have been obvious for the reasons applied above to claim 35.

Regarding claim 54, the method of claim 53 wherein the information comprises information identifying the location. would have been obvious for the reasons applied above to claim 35.

Regarding claim 55, the method of claim 52 further comprising, if the user is not authenticated: the remote device sending a notification to a law enforcement device would have been obvious for the reasons applied above to claim 32.

Regarding claim 56. the method of claim 55 wherein the notification comprises an identification of the location of the apparatus would have been obvious for the reasons applied above to claim 32.

Regarding claim 57, the method of claim 56 wherein the notification further comprises information gathered during the authentication of the user would have been obvious for the reasons applied above to claim 33..

Regarding claim 58, the method of claim 57 wherein the information comprises biometric input data would have been obvious for the reasons applied above to claim 34.

Regarding claim 59, the method of claim 51 further comprising: the apparatus dynamically adjusting the local policy would have been obvious for the reasons applied above to claim 49

Regarding claim 60, the method of claim 59 further comprising: the remote device dynamically adjusting the remote policy would have been obvious for the reasons applied above to claim 50.

Regarding claim 62, in the apparatus of claim 61, the improvement further comprising: means for authenticating a user of the apparatus; and the means for checking further for causing the means for disabling to enable the functional unit if the user is authentic, and for causing the means for disabling to disable the functional unit if the user is not authentic would have been obvious for the reasons applied above to claim 22.

Regarding claim 63, in the apparatus of claim 61 for use with a remote agent which checks the location against a remote policy, the improvement further comprising: means for communicating with the remote agent; and the means for checking further for causing the means for disabling to enable the functional unit if the remote agent indicates that the location complies with the remote policy, and for causing the means for disabling to disable the functional unit if the remote agent indicates that the location does not comply with the remote policy would have been obvious for the reasons applied above to claim 51.

Regarding claim 64, in the apparatus of claim 63, the improvement further comprising: means for authenticating a user of the apparatus; and the means for

Art Unit: 2635

checking further for causing the means for disabling to enable the functional unit if the user is authentic, and for causing the means for disabling to disable the functional unit if the user is not authentic would have been obvious for the reasons applied above to claim 62.

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hertel (US 5532690) as applied above in combination with Johnson (US 5557254) as applied above and further in view of Mansell (US 5223844).

Mansell discloses an analogous art vehicle tracking and security system with position determining that comprises an accelerometer 393 in col. 0 line 54 - col. 10 line 18 with advantages such as economical, miniaturized, greater overall location and direction information. A motion sensor 372 is included in col. 11 lines 15-22 to detect possible theft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination of Hertel and Johnson applied to claim 41, the position determination device comprising an accelerometer of claim 46 as disclosed in Mansell for the advantages stated above. It further would have been obvious to have included the location detection device comprising a motion detection device as disclosed in Mansell to detect possible theft.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Long (US 5648763) discloses a vehicle latch enabled by GPS comparison.

Art Unit: 2635


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
5/19/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635